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Amendment and Response

Serial No.: 10/019,643

Confirmation No.: 1109

Filed: March 20, 2002

For: METHOD AND COMPOSITION FOR AFFECTING REPRODUCTIVE SYSTEMS

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REMARKS

The Office Action mailed April 13, 2006 has been received and reviewed. Claims 4, 19, 27, and 29 having been amended and claim 41 having been cancelled, the pending claims are claims 4, 6, 12-15, 17-19, 21, 23, 27-29 and 42-47. Reconsideration and withdrawal of the rejections are respectfully requested.

Claim 4 has been amended to include the limitations of dependent claim 41. Claims 19, 27, and 29 have been amended in a similar fashion. Applicants submit that no new matter is added by these amendments.

Notice of References Cited

The Office Action mailed April 13, 2006, indicates that a "Notice of References Cited" (PTO-892) was to be included as an attachment. No such PTO-892 was included with the Office Action. Applicants request that a copy of the indicated PTO-892 be included with the next Office Action. Further, U.S. Patent No. 5,686,292, cited by the Examiner on page 3 of the Office Action mailed April 13, 2006, is not of record in the application on either a PTO-1449 or PTO-892. Applicants request that the Examiner make U.S. Patent No. 5,686,292 of record by citation on a PTO-892.

Objection to Claim 41

The Examiner objected to claim 41, as being dependent upon a rejected claim. Claim 4, from which claim 41 previously depended, has been amended to include all of the limitations of claim 41. Claim 41 has been cancelled. Reconsideration and withdrawal of this objection is respectfully requested.

The 35 U.S.C. §102 Rejection

The Examiner rejected claims 4, 6, 12-15, 17-18, 21, 23, 27-29, 42 and 44-47 under 35 U.S.C. §102(b) as being anticipated by Curtis et al. (U.S. Patent No. 5,656,488). This rejection

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is respectfully traversed. According to MPEP § 2131 a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

As amended, claims 4, 6, 12-15, 17-18, 21, 23, 27-29, 42 and 44-47 are drawn to immunogenic compositions comprising both "a non-avian zona pellucida protein or an immunogenic fragment thereof" (or "a heterologous zona pellucida protein or a fragment thereof") and "an avian zona pellucida protein or fragment thereof." Applicants respectfully submit that Curtis et al. does not teach immunogenic compositions including both "a non-avian zona pellucida protein or an immunogenic fragment thereof" (or "a heterologous zona pellucida protein or a fragment thereof") and "an avian zona pellucida protein or fragment thereof." Thus, the disclosure of Curtis et al. does not set forth each and every element of claims 4, 6, 12-15, 17-18, 21, 23, 27-29, 42 and 44-47. Reconsideration and withdrawal of this rejection under 35 U.S.C. §102(b) is respectfully requested.

The 35 U.S.C. §103 Rejection

The Examiner rejected claims 4, 17-19, and 43 under 35 U.S.C. §103(a) as being unpatentable over Curtis et al., in view of Schwall et al. (U.S. Patent No. 5,686,292). This rejection is respectfully traversed. As discussed above, Curtis et al. does not properly teach each and every element of the claimed method. Applicants respectfully submit that this deficiency is not corrected by the teachings of Schwall et al. Thus, Applicants submit that Curtis et al. in view of Schwall et al. does not anticipate claims 4, 17-19, and 43. Reconsideration and withdrawal of this rejection under 35 U.S.C. §103(a) is respectfully requested.

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Summary

It is respectfully submitted that the pending claims 4, 6, 12-15, 17-19, 21, 23, 27-29 and 42-47 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted
By
Mueting, Raasch & Gebhardt, P.A.
P.O. Box 581415
Minneapolis, MN 55458-1415
Phone: (612) 305-1220
Facsimile: (612) 305-1228
Customer Number 26813

July 12, 2006
Date

By: Nancy A. Johnson
Nancy A. Johnson
Reg. No. 47,266
Direct Dial (612) 305-4723

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12 day of July, 2006, at 3:10pm (Central Time).

By: Sandy Truehart
Name: Sandy Truehart